

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Decision by the Board of August 23, 2010 and the Final Office Action of September 19, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1 and 3-16 are pending in the Application. Claim 2 is canceled herein, without prejudice. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications. Claims 12-16 are added by this amendment. Claims 1 and 7-11 are independent claims.

In the Office Action, claims 1, 3, 4, and 5 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,198,764 to Schuemann ("Schuemann"). Claims 10 and 11 are rejected under 35 U.S.C. §103(a) over Schuemann in view of U.S. Patent No. 6,192,070 to Poon ("Poon"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-8 are allowable over Schuemann alone and in view of Poon for at least the following reasons.

Schuemann shows a system for transferring a digital signal from a transmitter to a receiver that utilizes a spread spectrum technique (see, Schuemann, abstract). In operation, "[t]he transmitter contains a carrier oscillator 16, which produces the carrier frequency by which the information is to be transmitted. The carrier is firstly modulated by means of a FSK modulator 18 with a signal which comes from the PN generator and

represents the synchronizing information of the PN code sequence." (See, Schuemann, col. 3, lines 11-16 as cited in the Final Office Action.) "This signal therefore defines the respective start times of the PN code sequence and therefore represents synchronizing information of this code sequence." (See, Schuemann, col. 3, lines 23-25, emphasis added.) In other words, the synchronization information of Schuemann is the same synchronization information for both of a first data and a subsequent second data.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Schuemann. For example, Schuemann does not teach, disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "(b) appending the first data, prior to transmission, with information regarding at least one of a second timing, modulation, and frequency for a subsequent transmission; and (c) transmitting second data from the transmitter according to the information, wherein the at least one of the second timing, modulation, and frequency is changed from the first timing, modulation, and frequency by the information" as recited in claim 1, and as similarly recited in each of claims 7-11. Poon is introduced for allegedly showing elements of the dependent claims and as such, does nothing to cure the deficiencies in Schuemann.

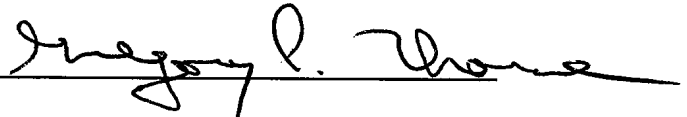
Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 7-11 are patentable and notice to this effect is earnestly solicited. Claims 3-6 and 12-16 respectively depend from one of the independent claims and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each

of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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